

State of South Dakota

EIGHTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 2009

400Q0158

HOUSE BILL NO. 1056

Introduced by: The Committee on Commerce at the request of the Department of Labor

1 FOR AN ACT ENTITLED, An Act to authorize education programs required by the State
2 Cosmetology Commission to be taught at branch schools.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 36-15-1 be amended to read as follows:

5 36-15-1. Terms used in this chapter mean:

6 (1) "Apprentice," any person licensed by the commission to receive education through
7 an apprenticeship in a salon;

8 (2) "Apprentice salon," any salon licensed by the commission to teach apprentices;

9 (3) "Booth," any part within a licensed salon that is rented or leased for the purpose of
10 rendering licensed cosmetology services as a separate, independent salon business;

11 (4) "Commission," the Cosmetology Commission as established and created in § 36-15-
12 3;

13 (5) "Cosmetologist," any person who, for compensation, engages in any of the practices
14 of cosmetology;

15 (6) "Cosmetology," any one or any combination of the practices set forth in § 36-15-2;



- 1 (7) "Demonstrator," any person licensed to practice cosmetology, nail technology, or
2 esthetics in this state, in another state, or in another country, who demonstrates the
3 various practices of cosmetology, as applicable, in order to inform or educate other
4 licensees or the public;
- 5 (8) "Esthetician," any person who, for compensation, engages in the practice of esthetics,
6 but not in other practices of cosmetology;
- 7 (9) "Esthetics," any one or any combination of the practices set forth in § 36-15-2.2;
- 8 (10) "Junior instructor," any person licensed by the commission to instruct in a school and
9 who is enrolled in instructor education as set forth in § 36-15-26;
- 10 (11) "Nail technology," any one or any combination of the practices set forth in § 36-15-
11 17.2;
- 12 (12) "Nail technician," any person who, for compensation, engages in the practice of nail
13 technology, but not in other practices of cosmetology;
- 14 (13) "Salon," any place, premise, or building or any part of a building operated for the
15 purpose of engaging in the practice of cosmetology, nail technology, or esthetics, or
16 any combination of these practices;
- 17 (14) "School," any place, premise, or building that is licensed by the commission to
18 provide education to students in the practice of cosmetology, nail technology, or
19 esthetics, or any combination of these practices;
- 20 (15) "School premises," any permanent building or other structures approved by the
21 commission as a school campus under one school license;
- 22 ~~(15)~~(16) "Senior instructor," any person licensed by the commission to instruct in a
23 school who has previous instructor education and experience and meets the
24 requirements set forth in § 36-15-25;

(16)(17) "Student," any person who is licensed by the commission to receive education in a licensed school.

Section 2. That § 36-15-29 be amended to read as follows:

36-15-29. ~~Any person desiring to conduct a cosmetology, nail technology, or esthetics school for any of the practices of cosmetology, as applicable, shall apply to the commission for a license.~~ No person may conduct a cosmetology, nail technology, or esthetics school for any of the practices of cosmetology, as applicable, unless that person is licensed as a school by the commission. The commission shall issue the license if the applicant meets the following requirements:

- (1) The applicant completes the application and provides any required documentation;
- (2) The application is accompanied by the fee required in this chapter;
- (3) The applicant has no violations with another cosmetology board;
- (4) The education offered is a complete program of not less than twenty-one hundred hours for a cosmetology program or a complete program of not less than four hundred hours for a nail technician program or a complete program of not less than the hours established by rules pursuant to § 36-15-13 for an esthetician license or ~~their~~ the respective equivalent credit hours; and
- (5) ~~At~~ The applicant meets all requirements established by rules adopted pursuant to this chapter ~~are met.~~

Section 3. That § 36-15-29.1 be amended to read as follows:

36-15-29.1. The license issued pursuant to § 36-15-29 authorizes the cosmetology, nail technology, or esthetics school holding a license to transact a school in this state only on the premises approved by the commission, subject to the rules of the commission. The license is not transferable to any other person. If the holder of the school license proposes to conduct ~~any~~

1 ~~portion of the school activity~~ a complete or partial education program on premises other than
2 those licensed by the commission, the licensee shall obtain an additional license for the newly
3 proposed premises as a school pursuant to § 36-15-29 or pursuant to section 4 of this Act as
4 applicable. However, the commission may approve limited field trips supervised by instructors.

5 Section 4. That chapter 36-15 be amended by adding thereto a NEW SECTION to read as
6 follows:

7 No school may conduct an education program at a separate school premises unless the
8 school premises is licensed by the commission as a branch school. The commission shall issue
9 a license for a branch school if the applicant meets the following requirements:

- 10 (1) The applicant holds a school license under § 36-15-29 that is accredited by a
11 nationally recognized accrediting agency approved by the commission;
- 12 (2) The applicant completes the application and provides any required documentation;
- 13 (3) The application is accompanied by the fee required in this chapter;
- 14 (4) The applicant has no violations with another cosmetology board;
- 15 (5) The branch school offers at least twenty-five percent of the required hours for
16 cosmetology education, nail technology education, or esthetics education or
17 equivalent credit hours; and
- 18 (6) The applicant meets all requirements established by rules adopted pursuant to this
19 chapter.

20 Section 5. That § 36-15-30 be amended to read as follows:

21 36-15-30. A school license issued pursuant to § 36-15-29 or pursuant to section 4 of this Act
22 expires one year from date of issuance and is renewable annually. The renewal application ~~must~~
23 shall be accompanied by the fee required in this chapter.

24 Section 6. That § 36-15-33 be amended to read as follows:

1 36-15-33. Any person entering or enrolling in a licensed school for education in the practice
2 of cosmetology, nail technology, or esthetics shall apply to the commission for a student license
3 within ten days after the date of enrollment. The applicant for a student license shall be at least
4 seventeen years of age. The application shall contain the information required pursuant to § 36-
5 15-15 and the name and location of the school being attended. Upon receipt of the application
6 and the fee provided for in this chapter, the commission shall issue to the applicant a student
7 license which entitles the student to complete the course of education in which the student is
8 enrolled without additional license fees. If the student withdraws from the school or course in
9 cosmetology, nail technology, or esthetics for which the fee was paid and later enrolls in the
10 same or a different school or course, the student shall pay the student license fee again. If at any
11 time a student transfers schools, the student shall submit an application, and pay the applicable
12 license fee, for a student license.